

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:19-CR-0231-JRS-DLP
	)	
PHIL NICHOLS,	)	-01
	)	
Defendant.	)	

**MOTION TO DISMISS**

Comes now the United States of America, by and through Zachary A. Myers, United States Attorney for the Southern District of Indiana, and Tiffany J. Preston, Assistant United States Attorney, and hereby moves to dismiss the Superseding Indictment charging offenses against defendant PHIL NICHOLS, and states the following in support thereof.

1. The Government learned that Phil Nichols passed away on or about September 26, 2022.

2. The government has obtained verification from the Indiana State Department of Health that Mr. Nichols has passed away. There is no cause of death listed to date. Mr. Nichols' had a funeral service at Elm Ridge Funeral Home, on October 3, 2022, as set forth in his publicly filed obituary.

3. The government moves the Court to dismiss the Superseding Indictment as to Phil Nichols.

Respectfully submitted,

ZACHARY A. MYERS  
United States Attorney

By: s/Tiffany J. Preston  
Tiffany J. Preston  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2022, a copy of the foregoing Motion to Dismiss was filed electronically. Notice of this filing will be sent to the applicable parties by operation of the Court's CM/ECF system.

s/ Tiffany J. Preston  
Tiffany J. Preston  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, Indiana 46204  
Telephone: 317-226-6333